

AFFIDAVIT OF SERVICE**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK**

Index #: 1:22-CV-05222-DG-TAM
 Date Filed: September 14, 2022
 Court Date: _____
 Assigned Justice: _____

ATTORNEY(S): PH:
 ADDRESS: File No.: 4113528

OLIVERIO OLIVOS ORTEGA,*Plaintiff*

VS.

EL EMPERADOR ELIAS RESTAURANT AND ELIAS CESPEDES,*Defendant*

STATE OF New York, COUNTY OF SUFFOLK SS.:
 WALBER LIRIANO, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides in New York. On Friday, September 23, 2022 at 7:54 PM at 274 BROADWAY, BROOKLYN, NY 11211 deponent served the within

SUMMONS IN A CIVIL ACTION AND COMPLAINT

on: ELIAS CESPEDES
Defendant therein named.

#1 INDIVIDUAL ☒ By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person. Said premises is subjects ☒ actual place of business ☐ dwelling house (usual place of abode) within the state.

#2 DESCRIPTION A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:
☒ (use with #1, 2 or 3) Sex: Male Color of skin: White Color of hair: Black/Gray Age: 50-55 Height: 5ft4in-5ft8in
 Weight: Over 200 lbs Other Features: _____

#3 WIT. FEES ☐ \$ the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.

#4 MILITARYSRVC ☒ Your deponent asked person spoken to whether the defendant was in the active military service of the United States or New York and received a negative reply. Upon information and belief I have; being based on the conversation and observations above narrated, defendant is not in the military service.

#5 OTHER ☐

#6 MAIL COPY ☐ On _____, deponent completed service by depositing a true copy of each document the above address in a 1st Class postpaid properly addressed envelope not indicating that mailing was from an attorney or concerned legal action and marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York. Certified Mail #:

Sworn to before me on 09/27/2022

SUSAN MORTINA
 Notary Public, State of New York
 No. 01CO6047509, Qualified in Suffolk County
 Term Expires September 5, 2026

Walber Liriano

WALBER LIRIANO

Server's Lic # 2105938

InvoiceWorkOrder 2280234

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

Oliverio Olivos Ortega

Plaintiff(s)

v.

Elias Cespedes and

Emperador Elias Restaurant

Defendant(s)

Civil Action No. 22-cv-05222

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Elias Cespedes
274 Broadway,
Brooklyn, NY 11211

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Daniel Schlade
Justicia Laboral LLC
6232 N. Pulaski, #300
Chicago, IL 60646

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 09/14/2022



BRENNNA B. MAHONEY
CLERK OF COURT

s/ Aaron I. Herrera

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 22-cv-05222

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for (name of individual and title, if any) ELIAS CESPEDES
 was received by me on (date) 9-16-2022

☒ I personally served the summons on the individual at (place) 274 BROADWAY
BROOKLYN NY 11211 on (date) 9-23-2022; or

☐ I left the summons at the individual's residence or usual place of abode with (name) _____
 _____, a person of suitable age and discretion who resides there,
 on (date) _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on (name of individual) _____, who is
 designated by law to accept service of process on behalf of (name of organization) _____
 on (date) _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other (specify): _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Walber Liriano

Server's signature

WALBER LIRIANO, PROCESS SERVER

Printed name and title

172 Brook Ave, DEER PARK NY 11729

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset